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In re Application of
DAUN, Jane et al.

Application No.: 10/500,840

PCT No.: PCT/US03/00366

Int. Filing Date: 07 January 2003

Priority Date: 07 January 2002

Attorney Docket No.: 2003946-0091(IKKI/US)

For: DEAZAPURINES AND USES THEREOF

DECISION

ON REQUEST UNDER

37 CFR 1.497(d)

This decision is in response to "Petition For Correction of Inventorship," filed in the United States Patent and Trademark Office on 18 October 2004.

BACKGROUND

On 07 January 2003, applicant filed international application PCT/US03/00366, which claimed a priority date of 07 January 2002. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 17 July 2003. The deadline for entry into the national stage in the United States was midnight on 07 July 2004.

On 07 July 2004, applicant filed a submission for entry into the national stage in the United States, accompanied by, *inter alia*, the U.S. Basic National Fee.

On 28 September 2004, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the fee for late filing of the oath or declaration.

On 18 October 2004, applicant filed a request under 37 CFR 1.497(d) and a declaration of the inventors.

DISCUSSION

Applicants file this request to add Mark Spyvee as inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); and (3) the written consent of the assignee, if an original named inventor has executed an assignment.

Items (1) and (2) have been met. Applicants have provided a statement from the person being added as an inventor, that any error in inventorship occurred without deceptive intention on his part. The processing fee set forth in §1.17(i) has been paid.

As to (3), applicants have indicated that the application was assigned, but have not furnished written consent from the assignee.

The declarations do not comply with 37 CFR 1.497(a)-(b). The declarations list "Bruce DeCosta" as an inventor, but he is not listed on the international application and no record of a *92bis* change adding him as an inventor was located. If he is not an inventor in this application, an explanation of why the other inventors signed a declaration listing him as an inventor is required. If he was an inventor and should have been listed, applicants may submit a request under 37 CFR 1.497(d) to add him as an inventor.

Additionally, the declarations contained two name inconsistencies. First, the declaration lists "Motohiro Soejima" as an inventor, but the application lists "Motohiko Soejima." If this difference resulted from a transliteration or typographical error, a statement under MPEP 201.03 is required. Second, the application lists an inventor "Janet Y. Zhao", but the declaration lists "Yan (Janet) Zhao". An explanation of the disparity is required.

Finally, the declarations contain non-initialed, non-dated alterations in the form of redactions. 37 CFR 1.52(c)(1). The declarations submitted must be as executed by the inventors.

CONCLUSION

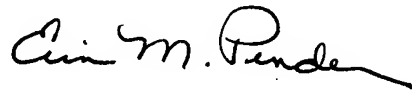
For the above reasons, applicants' petition under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)".

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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